

# COUNCIL PROCEEDINGS

## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, March 30, 1999  
Tuesday, 9:00 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Ferris, Gale, Lambke, Rogers; present. \*Council Member Kamen absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

The invocation was given by Rev. Titus James, North Heights Christian Church.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The minutes of the regular meeting of March 23, 1999, were approved 6 to 0. (Kamen absent)

## UNFINISHED BUSINESS

\*Council Member Kamen present.

## WATER ASSESSMENTS

### PUBLIC HEARING ON PROPOSED ASSESSMENTS FOR WATER DISTRIBUTION SYSTEMS. (District VI)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 99-291.

On March 16, 1999, the City Council held a public hearing on proposed assessments for two waterline construction projects that installed water lines to serve approximately 400 properties in the Riverview area. Action was deferred for two weeks to allow staff to re-evaluate the assessments.

On November 4, 1997, the City Council approved a Petition for a Water Distribution System to serve an area between 45th Street North, 53rd Street North, Arkansas Avenue and the Little Arkansas River. On March 17, 1998, the City Council ordered in a project to serve an adjoining area between Seneca Street and Arkansas Avenue.

The projects were combined for bidding and construction and were built last summer. The assessment method for both projects was to distribute the costs on a per tract basis.

On March 3, 1999, an informal assessment hearing was held. It was determined that there were a number of situations where property owners were being assessed for multiple contiguous parcels even though they represent only one home site. In addition, several property owners disagreed with the apportionment of cost between the petitioned project area and the order-in project area.

The proposed Assessment Rolls have been revised to allocate one assessment share per tax identification number. In addition, the Assessment Rolls have been modified to address concerns about the allocation of costs between the two assessment areas.

The impact of the revisions is to change/adjust the assessment to each parcel in the petitioned area from \$2,178 to \$2,068, and in the order-in area from \$1,358 to \$1,770.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

Everett Wessel

Everett Wessel explained that, as a result of his health, his property had been assigned four key numbers to make dividing the property among his children easier. The problem is that the specials were spread against the four key numbers instead of the logical two pieces of property.

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Mike Lindebak City Engineer said there is currently \$2,732 spread to each of four parcels under Mr. Wessels ownership. Mr. Wessel believes there should only be \$2,732 spread to each of two parcels.

Council Member Cole Council Member Cole said the City should pick up the difference of \$5,462.00 rather than respreading the assessment to all of the other properties. The properties remaining, except those under Mr. Wessels ownership, should stand as published.

Motion -- Cole moved that the public hearing be closed; the amended Statements of Cost be approved; and the Ordinances be placed on first reading; all subject to a change in the assessments to Mr. Wessel being reduced to a total of two assessments of \$2,732 each; and that Staff determine where the difference is to be paid from. Motion

-- carried carried 7 to 0.

## NEW BUSINESS

### AUBURN HILLS GOLF COURSE AUBURN HILLS GOLF COURSE FACILITIES. (District V)

Ray Trail Finance Director reviewed the Item.

Agenda Report No. 99-295.

The City has undertaken a public-private partnership to construct a municipal golf course in connection with a new residential housing development in west Wichita, known as Auburn Hills. The golf course construction is under way with opening for golf play scheduled for the summer of 2000. The golf course clubhouse, including a public meeting room area, are currently under design.

The golf course architect has provided a revised estimate of clubhouse/meeting room expenses. The clubhouse acreage is smaller than originally anticipated, necessitating placement of the golf cart storage under the clubhouse (rather than a separate, less expensive cartbarn) at a significantly higher cost. The meeting room component of the facility is now estimated to cost \$335,000 for the meeting area and proportional allocation of site, architectural and other expenses. The revised estimate of costs and proposed sources of funding are shown in the table.

Uses of Funds:		Original Estimate	Revised Estimate
Clubhouse/Cart Storage	\$ 625,000	\$ 950,000	
Public Meeting Room		100,000	\$ 335,000
Total		\$ 725,000	\$ 1,285,000

Sources of Funds		
Developer	\$ 500,000	\$ 500,000
Golf CIP Savings	125,000	125,000
Golf Fund		425,000
General Fund	100,000	235,000
Total	\$ 725,000	\$ 1,285,000

The City Council previously set-aside \$100,000 in the 1998 General Fund for the public meeting room portion of the clubhouse; the \$135,000 increase cost would be funded from 1999 General Fund appropriated reserves. Funding for the increased cost for the golf portion of the clubhouse would be funded from the Golf Fund.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- Ferris moved that the bonding Resolution be adopted, and the budget transfer(s) be authorized. Motion carried 7 to 0.

-- carried

## RESOLUTION NO. R-99-121

A Resolution declaring the advisability of constructing a golf course clubhouse, including a public meeting room in connection with the construction of the Auburn Hills Golf Course and authorizing the issuance of general obligation bonds of the City of Wichita to finance such improvements, presented. Ferris moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

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## CITY COUNCIL AGENDA

### APPOINTMENTS

#### BOARD/COMMISSION APPOINTMENTS (FOR TERMS EXPIRING JUNE 30, 1999):

Commission on the Status of People with Disabilities (Lambke)  
 Convention & Tourism Committee (Ferris)  
 Human Services Board (2 appointments - Council at large)  
 Police & Fire Retirement Board of Trustees (Rogers)  
 Sister Cities Advisory Board (Cole)  
 Wichita Commission on the Status of Women (5 appointments - 2 Lambke, Ferris, Gale, Kamen)  
 Wichita-Sedgwick County Correctional Housing Board (Knight - Municipal Court Probation)

Mayor Knight

Mayor Knight suggested that no new appointments be made until after the new Council is seated.

### ALCOHOL/DRUG VACANCY

#### NOTICE OF VACANCY - WICHITA/SEDGWICK COUNTY ALCOHOL AND DRUG ABUSE ADVISORY BOARD.

One vacancy (Council at large), due to the resignation of David Collins, for a term expiring June 30, 1999.

Appointment will be made April 20, 1999.

### PROCLAMATIONS

#### PROCLAMATIONS.

-- Sarah Hutchinson Day  
 -- Child Abuse Prevention and Awareness Month

Motion -- carried

Knight moved that the Proclamations be authorized. Motion carried 7 to 0.

#### CONSENT AGENDA

Knight moved that the Consent Agenda be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

### BOARD OF BIDS

#### REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MARCH 29, 1999.

At 10:00 a.m., Friday, March 26, 1998, pursuant to advertisements published, bids were received, publicly opened, read aloud and tabulated for the Board of Bids and Contracts:

(Ref: Bid analysis report attached to Board of Bids Minutes March 29, 1999)

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains  
 as per specifications

1999 Contract Maintenance Micro-Surface Seal of Asphalt Streets at various locations. (132274/112000) Traffic to be maintained through construction using flagpersons and barricades. City Council approval date: 10/13/98.  
 (Districts II, IV, and VI)

Ballou Construction - \$70,000.00 (Engineers Estimate)

26th Street North, from the east line of Vassar to the west line of Wellesley Post and Christy's College Crest Addition - north of 25th Street North, east of Hillside. (472-82997/765255/490627) Traffic to be maintained through construction. City Council approval date: 8/11/98. (District I)

Cornejo & Sons Construction - \$40,199.00

Waco, from 32nd Street North to 33rd Street North Gibbons Gardens Addition - north of 29th street, east of Arkansas. (472-82899/764753/490577) Traffic to be maintained through construction. City Council approval date: 1/6/98. (District VI)

Cornejo & Sons Construction - \$70,412.00

Lewis F. Self, Jr.      Adult Entertainment Industries 3721 South Broadway  
dba/After Dark Video

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Lewis F. Self, Jr. Adult Entertainment Industries 2809 North Broadway  
dba/After Dark Video  
Lewis F. Self, Jr. Adult Entertainment Industries 7805 West Kellogg  
dba/After Dark Video

Motion --  
-- carried

Knight moved that the licenses be approved subject to Staff review and approval.  
Motion carried 7 to 0.

## APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>1999</u>	<u>(Consumption on Premises)</u>
Thinh D. Dau	Emperor of China*	7011 West Central #116
Muifong Yu Tam	Tom's Lotus Garden*	822 South Broadway
		<u>(Consumption off Premises)</u>

Ly Ngoc Thi Nguyen Thai Binh Supermarket 1530 West 21st

\*General/Restaurant -- 50% or more of gross receipts derived from sale of food.

Motion --  
-- carried

Knight moved that the licenses be approved subject to Staff review and approval.  
Motion carried 7 to 0.

## PLANS AND SPECIFICATIONS PLANS AND SPECIFICATIONS:

- a. 1999 Contract Maintenance Preservative Seal of Asphalt Streets- at various locations. (131540/706648/110000/405218) Traffic to be maintained during construction. City Council approval date: 10/13/98. (Districts II, III, IV, V, and VI)
- b. 1999 Contract Maintenance Quickset Slurry Seal, Curb & Gutter Repair, and Crack Sealing - at various locations. (131557/706648/110000/405218) Traffic to be maintained through construction using flagpersons and barricades. City Council approval date: 11/24/98. (District II and IV)
- c. 1999 Enhanced Maintenance Concrete Crack Sealing, Phase 2 - 13th Street North & Rock Road. (706648-J/405218) Traffic to be maintained through construction using flagpersons and barricades. City Council approval date: 11/24/98. (District II)
- d. 1999 Enhanced Maintenance Poly Patch Joint Repair of Asphalt Streets - at various locations. (706648-H/405218) Traffic to be maintained through construction using cones and will be open at night. City Council approval date 10/13/98. (Districts II and IV)
- e. 1999 Contract maintenance Special Projects/Cold Recycled Asphalt Pavement - at various locations. (131767/) Traffic to be maintained through construction using flagpersons and barricades. City Council approval date 11/24/98. (District V and VI)

Motion --  
-- carried

Knight moved that the plans and specifications be approved and advertised for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., April 9, 1999.  
Motion carried 7 to 0.

## SUBDIVISION PLANS AND SPECIFICATIONS:

- a. Glen Creek from the east line of Rocky Creek Parkway, and Glen Creek Court from the south line of Glen Creek to and including the cul-de-sac Rocky Creek 3rd Addition - north of 13th, east of 127th Street east. (472-83056/765553/490664) Does not affect existing traffic. City Council approval date: 1/26/99. (Districts II and IV)
- b. Hayden Court from the east line of 135th Street west, east, southeast, and east to the east line of Hayden Circle, and on Sandtrap, from the east line of Hayden, north and west to the north line of Hayden; and Sandtrap Court, from the north line of Sandtrap, north to and including the cul-de-sac, on Hayden Court, east to and including the cul-de-sac, Auburn Hills Eighth Addition - south of Maple, east of 135th Street west. (472-83063/765563/490674) Does not affect existing traffic. City Council approval date: 1/26/99. (Districts V and IV)

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- c. Links Street from the east line of 135th Street West, east, south, east, north and back west to the east line of 135th Street West and; Links Court from the north line of Links St. North to and including the cul-de-sac. Auburn Hills Ninth Addition - south of Maple, east of 135th Street West. 472-83064/765564/490675 Does not affect existing traffic. City Council approval date: 1/26/99. (Districts V and IV)
- d. Water to serve Lindsay's Orchard Addition - north of Pawnee, west of Maize). 448-89353/734914/470584 Does not affect existing traffic. City Council approval date: 1/12/99. (District V and IV)
- e. Storm Water Sewer #520 to serve Lindsay's Orchard Addition - north of Pawnee, west of Maize. (468-82944/751276/485163) City Council approval date: 1/12/99. (Districts V and IV)

Motion -- Knight moved that the plans and specifications be approved and advertised for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., April 9, 1999.  
 -- carried Motion carried 7 to 0.

## PRELIMINARY ESTIMATES

### PRELIMINARY ESTIMATES:

- a. 21st Street Left Turn lane, Phase II Sterling Farms Addition - on 21st Street North, west of Tyler. (472-81892/762591/490362) Traffic to be maintained through construction. City Council approval date: 2/14/89 (District V) - \$20,160.00
- b. 1999 Contract Maintenance Mill and Overlay of Asphalt Streets - at various locations. (132282/706648-M/621326/112000/405218/533243) Traffic to be maintained through construction using flagpersons and barricades. City Council approval date: 10/13/98. - \$1,846,594.00

Motion -- Knight moved that the preliminary estimates be approved and filed. Motion  
 -- carried carried 7 to 0.

## BOARDS MINUTES

### MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Civil Rights and Services Board, 3-15-99  
 Commission on the Status of People with Disabilities, 2-24-99  
 Convention and Tourism Committee, 1-25-99  
 Convention and Tourism Committee, 2-22-99  
 Deferred Compensation Board of Trustees, 3-11-99  
 Human Services Board, 2-23-99  
 Sister Cities Advisory Board, 2-5-99  
 Wichita Airport Authority, 3-1-99  
 Wichita-Sedgwick County Board of Health, 3-3-99  
 Wichita-Sedgwick County Board of Health, 3-4-99  
 Wichita-Sedgwick County Board of Health, 3-11-99

Motion -- carried Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

## ANNUAL REPORTS

### ADVISORY BOARDS/COMMISSIONS ANNUAL REPORTS:

Civil Rights & Services Board  
 Wichita Airport Authority  
 Wichita Employees Retirement Board

Motion -- carried Knight moved that the Reports be received and filed. Motion carried 7 to 0.

## STREET CLOSURES/USES

### CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures/uses considered.

## CLAIMS ALLOWED

### REPORT ON CLAIMS ALLOWED - FEBRUARY, 1999.

<u>Name of Claimant</u>	<u>Amount</u>
Jessie Bell	\$360.06
Traci Long and Ron Warreen	\$874.09
Rick Burns	\$103.78
Michele Parks	\$466.22

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Kansas Gas Service

\$456.01

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Brian Atkinson	\$112.96
Pieper Jacobs	\$137.67
Mary Sponsler	\$ 43.17

Motion -- carried

Knight moved that the report be received and filed. Motion carried 7 to 0.

## DESIGN SERVICES

### DESIGN SERVICES AGREEMENT FOR LINDSAYS ORCHARD ADDITION - NORTH OF PAWNEE, WEST OF MAIZE. (District V)

Agenda Report No. 99-297.

The City Council approved the Lindsays Orchard Addition plat on January 12, 1999.

The proposed Agreement between the City and Savoy, Ruggles & Bohm, P.A. (SRB) provides for the design of bond financed improvements in the Lindsays Orchard Addition. Per Administrative Regulation 7a, staff recommends the selection of SRB because SRB provided preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$34,260, and will be paid by special assessments.

Motion --  
-- carried

Knight moved that the Agreement be approved and the Mayor be authorized to execute. Motion carried 7 to 0.

## DESIGN SERVICES

### DESIGN SERVICES AGREEMENT FOR FOREST LAKES ADDITION - NORTH OF 29TH STREET NORTH, WEST OF RIDGE. (District V)

Agenda Report No. 99-298.

The City Council approved the Forest Lakes Addition plat on April 6, 1993.

The proposed Agreement between the City and Professional Engineering Consultants (PEC) provides for the design of bond financed improvements in the Forest Lakes Addition. Per Administrative Regulation 7a, staff recommends the selection of PEC because PEC provided preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$22,500, and will be paid by special assessments.

Motion --  
-- carried

Knight moved that the Agreement be approved and the Mayor be authorized to execute. Motion carried 7 to 0.

## DESIGN SERVICES

### DESIGN SERVICES AGREEMENT FOR BELLE TERRE SOUTH - SOUTH OF KELLOGG, WEST OF 159TH STREET EAST. (District II)

Agenda Report No. 99-299.

The City Council approved the Belle Terre South plat on July 22, 1997.

The proposed Agreement between the City and Professional Engineering Consultants (PEC) provides for the design of bond financed improvements in the Belle Terre South. Per Administrative Regulation 7a, staff recommends the selection of PEC because PEC provided preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$17,100, and will be paid by special assessments.

Motion --  
-- carried

Knight moved that the Agreement be approved and the Mayor be authorized to execute. Motion carried 7 to 0.

## DESIGN SERVICES

### DESIGN OF SEWER LINE FROM SEWAGE TREATMENT PLANT #1 TO NORTH OF PAWNEE. (District III)

Agenda Report No. 99-300.

On November 4, 1997, the City Council approved a project for the reconstruction of an eight inch sanitary sewer, parallel to the existing sixty inch Sanitary Sewer No. 22, from the north of the STP #1 to north of Pawnee (Capital Improvement



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Program No. S-315). On February 17, 1999, the Staff Screening & Selection Committee selected Savoy, Ruggles & Bohm, P.A. to design the improvements.

The eight inch line will collect sewage from the existing eight inch sewer lines currently discharging into the sixty inch line. The new eight inch line will also provide service to the triangular piece of property bounded by Pawnee, Hydraulic and the railroad tracks.

Payment will be on a lump sum basis of 15,900, and will be paid by Sewer Utility.

Motion --  
-- carried

Knight moved that the Agreement be approved and the Mayor be authorized to execute. Motion carried 7 to 0.

## DESIGN SERVICES

### DESIGN SERVICES AGREEMENT FOR AUBURN HILLS SEVENTH, EIGHTH AND NINTH ADDITIONS - SOUTH OF MAPLE, EAST OF 135TH STREET WEST. (District V)

Agenda Report No. 99-301.

The City Council approved the Auburn Hills 7th, 8th, and 9th Additions plat on January 26, 1999.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in the Auburn Hills 7th, 8th, and 9th Additions. Per Administrative Regulation 7a, staff recommends the selection of Baughman Company because Baughman Company provided preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$57,900, and will be paid by special assessments.

Motion --  
-- carried

Knight moved that the Agreement be approved and the Mayor be authorized to execute. Motion carried 7 to 0.

## ARTERIAL CORRIDOR DESIGN DESIGN CONTRACT - ARTERIAL CORRIDOR PROGRAM. (District VI)

Agenda Report No. 99-302.

On May 19, 1998, the City Council authorized the Staff Screening and Selection Committee to select design engineers for the 1998 Arterial Corridor Program. On November 18, 1998, the Staff Screening and Selection Committee selected consulting firms to perform the design engineering for the CIP projects, associated petitioned projects, and incidental water and sewer lines.

The firm of PB Booker Associates Inc. of Kansas was selected to design improvements to 25th Street North from I-235 to West Street (MS-208001). The Contract fee is \$357,000.

An Agreement for the design services (attached) has been prepared.

The funding source is General Obligation Bonds.

Motion --  
-- carried

Knight moved that the Contract be approved and the Mayor be authorized to execute. Motion carried 7 to 0.

## LEGAL SERVICES

### CONTRACT FOR LEGAL SERVICES - HYATT WATERWALL.

Agenda Report No. 99-303.

The City has been involved in a dispute with the designers and contractor on the Hyatt Waterwall project over operational and structural problems with a portion of the waterwall along the south side of the Hotel. In October 1998 the City entered into a contract with the firm of Hinkle, Eberhart & Elkouri, L.L.C. to represent the City's legal interests in this matter. That contract provided for payment of attorney fees and expenses not to exceed \$25,000.

This dispute has involved significant investigation and research by outside counsel. In addition, it has been necessary for outside counsel to retain the services of an expert engineering witness to evaluate the problems with the Waterwall and to identify the appropriate repairs and/or modifications. To date, the City has expended almost \$25,000 in payment of attorney fees, expert witness fees and other related expenses. It is anticipated that this legal work will continue over the next several months while the City attempts to resolve this

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matter through negotiation or litigation. The estimated fees and expenses to

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pursue this matter for that period of time is \$25,000. This will require an amendment to the existing contract to provide that the fees and expenses paid under the contract not exceed \$50,000.

These legal fees will be paid from 1999 general fund appropriated reserves.

Motion --  
-- carried

Knight moved that the Amendment be approved and the Mayor be authorized to execute. Motion carried 7 to 0.

## NEIGHBORHOOD SERVICE

### AGREEMENT FOR ARCHITECTURAL SERVICES.

Agenda Report No. 99-304.

On March 23, 1999, the City Council approved the establishment of Neighborhood Service Centers at four locations: Atwater; Colvin; Evergreen; and Aley/Stanley. The City currently provides a number of services at the centers. Branch health stations are located at Colvin, Evergreen and Aley/Stanley and recreational staff are assigned to each of the four locations. The Colvin and Aley/Stanley facilities are combined community and elementary facilities. Both of these locations operate branch libraries which serve the public and the school children. Community Education Coordinators are located at Atwater (part-time shared with Northeast Magnet School) and at Colvin. Additional office space will be available for other services when Human Service staff, also located at the four centers, relocate to a central location.

The proposal is to phase-in services at the centers. The services currently provided will be the ~~building blocks~~ for other public services. Neighborhood Assistants and CPO staff will be reassigned to the centers to provide a daily presence, contact point and a more visible link between City government, and neighborhood residents/groups. Eventually these centers could become ~~mini-city~~ halls providing other services most often needed by neighborhood residents. For example, in the future, the City could initiate bill paying functions at each of the centers for utility bills, municipal court fines, and housing payments. As technology develops it is envisioned that the centers could eventually provide licenses and City permits. Other City services such as inspection services and street maintenance could be provided from the four center locations.

To capitalize on an existing public asset, it is proposed that the City increase its investment in the centers to make them viable service facilities for the surrounding neighborhoods. The centers will need to be upgraded so that they are conducive to public access and are user friendly. The City initiated a request for proposals for architectural services to evaluate the centers and work with the City on necessary design improvements. The firm of Shaefer Johnson Cox Frey and Associates is recommended for this work.

The firm provided a graduated fee schedule based upon the cost of the improvements. Given that the dollar amount of improvements is unknown, it is recommended that a not-to-exceed amount of \$64,000 be approved. Architectural fees could be substantially less once the scope of work has been determined and the fee negotiated. The City Council, at the March 23, 1999, meeting approved the use of CDBG funds for architectural services and facility renovation.

Motion --  
-- carried

Knight moved that the Manager be authorized to negotiate the contract with Shaefer Johnson Cox & Frey for architectural services, for a not-to-exceed amount of \$64,000, and authorize the Mayor to sign. Motion carried 7 to 0.

## 29TH STREET NORTH

### SUPPLEMENTAL AGREEMENT FOR 29TH STREET NORTH - FROM OLIVER TO WOODLAWN (District I)

Agenda Report No. 99-305.

On January 28, 1997, the City approved an Agreement with Young & Associates, P.A. to design 29th Street North, from Oliver to Woodlawn (MS-437).

The proposed Supplemental Agreement between the City and Young & Associates provides for additional engineering services to make plan modifications required by the Kansas Department of Transportation (KDOT) so the plans will meet KDOT format and requirements in order for the project to qualify for Federal funding.

Payment will be on a lump sum basis of \$4,750, and will be paid by General Obligation Bonds.

Motion --  
-- carried

Knight moved that the supplemental agreement be approved and the Mayor be authorized to sign. Motion carried 7 to 0.

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## BROADWAY

### SUPPLEMENTAL AGREEMENT FOR BROADWAY - KELLOGG TO WILLIAM. (District I)

Agenda Report No. 99-306.

On February 8, 1994, the City approved an Agreement with Booker Associates of Kansas, Inc. to design Broadway, from Kellogg to William.

The proposed Supplemental Agreement between the City and Booker Associates of Kansas, Inc. provides for engineering services to design Broadway intersections at Dewey, Lewis, Waterman and English to include four brick crosswalks at each intersection.

Payment will be on a lump sum basis of \$7,341, and will be paid by General Obligation Bonds.

Motion --  
-- carried

Knight moved that the supplemental agreement be approved and the Mayor be authorized to sign. Motion carried 7 to 0.

## ENGINEERING SERVICES

### SUPPLEMENTAL AGREEMENT STAKING AND CONSTRUCTION ENGINEERING SERVICES FOR REECE FARMS ESTATES - SOUTH OF MAPLE, WEST OF 151 STREET WEST. (District V)

Agenda Report No. 99-307.

The City Council approved the Reece Farms Estates plat on April 14, 1999. On June 23, 1999, the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman Company, P.A. requires Baughman Company, P.A. to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman Company, P.A. provides for the staking and construction engineering services for the water distribution system, and streets in Reece Farms Estates. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering services for this project.

Payment will be on a lump sum basis of \$40,800, and will be paid by special assessments.

Motion --  
-- carried

Knight moved that the supplemental agreement be approved and the Mayor be authorized to sign. Motion carried 7 to 0.

## DCCCA CONTRACT AMENDMENT CONTRACT AMENDMENT-DCCCA, INC. -D.B.A. OPTIONS ADULT OUTPATIENT SERVICES

Agenda Report No. 99-308.

On February 1, 1996, the City entered into a contract with DCCCA, Inc. d.b.a. Recovery Services Center, to provide drug and alcohol treatment services for the Neighborhood Drug Court. The amount of the contract was \$91,720. The City Council amended the contract on October 16, 1997, to extend the contract term to July 31, 1998. In October 1998, the Council approved a contract with Comprehensive Community Care of Sedgwick County to provide the substance abuse treatment program to the Neighborhood Municipal Drug Court project. However, the new contract was to provide services to clients from contract day forward and not for the clients that were still in treatment with DCCCA.

The Municipal Court and DCCCA, Inc. have agreed to extend the current contract term to September 30, 1999, to allow for completion of treatment programs for patients referred under the drug court program.

The contract was funded through a federal Comprehensive Communities Program through July 31, 1998. After July 31, 1998, local funds were budgeted in the adopted 1998 Municipal Court budget in the amount of \$77,750. The contract amendment does not change the contract amount.

Motion --  
-- carried

Knight moved that the contract amendment be approved and the Mayor be authorized to sign. Motion carried 7 to 0.

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## **IRB - BOND REQUIREMENTS      WAIVER OF PAYMENT AND PERFORMANCE BOND REQUIREMENT FOR INDUSTRIAL REVENUE BOND PROJECT - THE QUARTERS AT CAMBRIDGE.      (District II)**

Agenda Report No. 99-309.

On January 5, 1999 the City approved a Letter of Intent to issue Industrial Revenue Bonds in an amount not to exceed \$13,095,000 to The Quarters at Cambridge, L.P. to finance construction of a 194-unit luxury apartment complex located on 21st Street, east of Webb Road. The developer, Quarters at Cambridge, L.P., now requests the City waive the requirement of payment and performance bonds on the IRB project.

Since HUD requires the developer to secure a letter of credit to ensure completion of the Quarters at Cambridge project, and since the project is a short-term bond issue in which the City will not take title to the property, the Law Department advises there is no legal necessity to require the Tenants payment of performance bonds.

Motion --  
-- carried

Knight moved that the payment and performance bonds requirements be waived. Motion carried 7 to 0.

## **WATER COMPUTER SYSTEM      WATER PLANT COMPUTER SYSTEM UPGRADE.**

Agenda Report No. 99-310.

The City's central water treatment plant treats City water to meet safe drinking water regulations. From 1991 to 1996, improvements were completed at the plant which increased the capacity of the plant (by 40 million gallons per day) and improved its capacity to meet new and more stringent water treatment regulations. The installation of a plant computer system used to monitor and operate all of the essential equipment at the treatment plant was included in that upgrade. This computer system is critical to the operation of the plant.

In January of 1999, the Water and Sewer Department received initial information from Bristol Babcock, who supplied the plant computer system, that the system currently being used would have Y2K problems, but would still function. In response to repeated requests from the City for additional information, on March 11, 1999, the City received written confirmation from Bristol Babcock that the current system would fail if Y2K dates were simulated as required by the City's Y2K testing requirement.

To ensure Y2K compliance, it will be necessary to replace or upgrade the existing system. The Staff MIS Committee has reviewed this alternative and concurs with the need for replacement or upgrade of the current system.

Either alternative has an estimated project cost of up to \$175,000. Funds are available CIP W-115, Water Treatment Plant Improvements, to fund this project.

Motion --  
-- carried

Knight moved that the computer system upgrade to achieve Y2K compliance at the Water Treatment Plant be approved. Motion carried 7 to 0.

## **STREET LIGHTING RES.      STREET LIGHTING RESOLUTION NO. 2-99.**

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 7 to 0.

### **RESOLUTION NO. R-99-122**

A Resolution authorizing and directing Kansas Gas and Electric, a western Resources Company, to install and/or change certain street lights in the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight. (2-99)

## **ORDINANCES      SECOND READING ORDINANCES:      (First read March 23, 1999)**

a. Wesley/Larksfield Place Health Care Facilities. (District II)

### **ORDINANCE NO. 44-228**

An Ordinance authorizing the City of Wichita, Kansas, to issue its health care facilities refunding and improvement revenue bonds (Larksfield Place) in the aggregate principal amount of not to exceed \$19,500,000 for the purpose of (1) refunding certain outstanding City of Wichita, Kansas bonds (2) purchasing, acquiring, constructing, furnishing, and equipping certain additions to an existing

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facility, and (3) paying certain costs of issuance; authorizing the execution of a

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trust indenture by and between the City and Commerce Bank, Wichita, Kansas, as trustee; authorizing the City to lease the project to Wesley Retirement Communities, Inc.; authorizing execution of a lease between the City and said corporation; approving the form of a guaranty agreement; and authorizing the execution of a bond purchase agreement by and between the City, said corporation, and B.C. Ziegler and Company, as underwriter, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

b. Solid Waste Transfer Stations - Creating Chapter 3.52.

## ORDINANCE NO. 44-229

An Ordinance pertaining to solid waste transfer stations and creating Chapter 3.52 of the Code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

c. SCZ-0783 - southeast corner of 13th Street North and Greenwich.  
(District II)

## ORDINANCE NO. 44-230

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight. SCZ-0783

d. A 99-13 - Annexation - north of Kellogg and west of 119th Street West.  
(District V)

## ORDINANCE NO. 44-231

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight. A 99-13

## PLANNING AGENDA

S/D 98-115

S/D 98-115 - PLAT OF HUNTERS RIDGE ADDITION LOCATED ON THE NORTH SIDE OF PAWNEE, EAST OF 119TH STREET WEST. (District V)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-311.

MAPC Recommendation: Approve the Plat.  
Staff Recommendation: Approve the Plat.

Petitions for Water, Sewer, and Paving were submitted.

Motion --  
-- carried

Knight moved that the documents and plat be approved and the Resolutions be adopted. Motion carried 7 to 0.

## RESOLUTION NO. R-99-123

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89374 (north of Pawnee, west of Maize) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

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## RESOLUTION NO. R-99-124

Resolution of findings of advisability and Resolution authorizing construction of Lateral 21, Main 13, Southwest Interceptor Sewer (north of Panwee, west of Maize) Project No. 468-82971 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

## RESOLUTION NO. R-99-125

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 524 (north of Pawnee, west of Maize) Project No. 468-82972 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

## RESOLUTION NO. R-99-126

Resolution of findings of advisability and Resolution authorizing improving of Parkridge from the north line of Pawnee, north to the south line of Lotus; Blake and Cardington from the east line of Parkridge, east and south to the north line of Pawnee; Haskell from the east line of Parkridge east to the northwest line of Lot 1, Block 12, Panwee Mesa Addition, and; sidewalk along both sides of Parkridge from the north line of Pawnee, to the east line of Parkridge; and on one side of the east line of Parkridge, Project No. 472-83088 (north of Panwee, west of Maize) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

## EXECUTIVE SESSION

Motion -- Knight moved that the City Council recess into executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to legal advice and contract negotiations; and confidential data relating to the financial affairs or trade secrets of a business; and the Council return no later than 11:00 a.m.

Motion restated -- Knight moved that the City Council recess into executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to legal advice and contract negotiations; personnel matters of non-elected personnel; and confidential data relating to the financial affairs or trade secrets of a business; and the Council return no later than 11:15 a.m.

-- carried Motion, as restated, carried 7 to 0.

RECESS The City Council recessed at 9:55 a.m. and reconvened at 11:12 a.m.

Mayor Knight Mayor Knight announced that no action was necessary as a result of the executive session.

RECESS The City Council recessed at 11:12 a.m. and reconvened at 6:04 p.m.

**NW SEWER MASTER PLAN** **PUBLIC HEARING - NORTHWEST SEWER MASTER PLAN: SITE SELECTION.** (District V)

David Warren Director of Water and Sewer reviewed the Item.

Agenda Report No. 99-296.

Northwest Wichita, along with northeastern areas within the City, have experienced significant growth and development. This growth is expected to continue. According to development trends, Wichita's west growth area is projected to experience a population increase of over 35,000 during the 30-year period. Growth is primarily occurring in the far west area - located approximately 12-to-14 miles from the City's existing wastewater treatment plants. Due to the magnitude of new development, the Water and Sewer Department has informed developers that new sewer extensions to serve future development will be limited due to capacity issues. Absent municipal water and sewer services, there is a concern that uncontrolled development may occur and result in the utilization of local treatment options, such as package treatment plants, septic tanks, and lagoons. Due to the growth



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that has already taken place and/or planned, wastewater facilities in the area are becoming overloaded, creating an environment and concern where, without added facilities, sewer backups and spills could occur.

The planned updating of the City's Sewer Master Plan was originally scheduled to be completed in 2001; however, because of the current and planned growth in the far west part of the City, it was determined that Staff should proceed with a component of that plan for service to northwest Wichita and not wait for the completion of a City-wide plan to be completed. Based upon the demands of current and planned future growth and development, the limited capacity of the sanitary sewer system, and the proposed local treatment options being considered by developers, the City Council authorized (March 4, 1997) retaining the services of a national engineering firm to assist staff with developing a plan to meet current and projected sewer system needs in the western part of the City.

The consulting firm of Brown & Caldwell, with expertise in sanitary sewer systems, was retained to work with the local engineering firm, Professional Engineering Consultants (PEC), to assist in development of the Northwest Sewer Master Plan.

In 1998, the Northwest Sewer Master Plan was completed and the recommendations of the consultants were presented to the City Council. Following these presentations, Staff was directed to initiate a public information/education effort to communicate the elements of the proposed Northwest Sewer Master Plan to the community, particularly the residents in the western part of the City.

Specific actions were taken to publicize the proposed Plan including: distribution of informational flyers, conducting a public information fair, development and distribution of an informational video; providing tours of similar area wastewater treatment plants; and production of a televised **Ask City Hall** segment on the City's cable channel. Following the series of public information efforts, the City Council held a public hearing on the proposed Northwest Sewer Master Plan. On July 14, 1998, the City Council received comments on the three alternatives presented in the Plan.

On January 19, 1999, following public hearing, the City Council approved Alternative NP-1, which includes construction of a new wastewater treatment plant and other sewage collection system improvements to carry flows to the new facility, as well as improvements to the City's existing Sewage Treatment Plant #2.

At its March 11, 1999, meeting, the City Council conducted a public hearing on a number of potential sites. The Council, following public comment, took action to remove some of the sites under consideration and directed staff and the consultants to further investigate four sites, or other sites within appropriate distances from the sites, and authorized options to acquire such sites.

In addition, the Council referred the matter of construction of a treatment facility and site selection to CPO Councils #5 and #6 and a neighborhood meeting in District #5. In addition, the MAPC was requested to consider this matter on its March 25th meeting date.

At a previous meeting, the City Council instructed staff to work with the City's consultants to evaluate potential sites within the study area, including the Kingsbury site, and return to the City Council with treatment plant site selection evaluations based on specific criteria to be developed, including but not limited to:

- \* Distance from residential/developed areas
- \* Location near service area, with ability to serve future growth areas in the west side
- \* Natural buffered areas or locations that can be buffered
- \* Potential for development
- \* Flooding mitigation possibilities
- \* Permit issues, including environmental, zoning, etc.
- \* Construction costs

The City's consultants (Brown & Caldwell and Professional Engineering Consultants), along with designated City staff, worked together to identify and evaluate sites for construction of a wastewater treatment facility. Sites both within and outside the preferred corridor in a six-square mile area north of 21st Street North and west of 119th Street West were identified and evaluated.

The methodology for identification and evaluation of sites utilized the above criteria. Each potential site, and others, were visited in the field by the consultants/staff. In addition, cost differential between NW Sewer Master Plan base site and selected potential sites was examined, along with soils and groundwater data on each of the potential sites. Other information was also

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considered, including utilities for selected potential sites; impact of highway

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transportation corridors; NPDES permitting issues; flood mitigation alternatives; accessibility to site(s); ownerships; and other site selection considerations.

On March 11, 1999, a special City Council meeting was held in the evening for the convenience of citizens. Each individual site was presented in detail along with the consultants' professional evaluation of the site. Following the presentation and public discussion, sites 2, 7, 9, and 10 were retained for further consideration with the others sites being eliminated.

These sites are generally located as follows:

Site #2 - West of 135th Street W, between 29th and 21st Streets North  
 Site #7 - East of 135th Street W, between 37th and 45th Street North  
 Site #9 - Kingsbury Tract, adjacent to Brooks Landfill  
 Site #10- Northeast quadrant of 13th Street North, and 167th Street West

In addition to these sites, following the Council directive to seek options for available land within one-half mile, the City was able to acquire an adjacent parcel of land, near Site #7 (to be referred to as 7 (a)). This property is located west of 135th Street, between 37th and 45th Streets North.

City representatives were unable to acquire options on Sites #2, #7 or #10. If any of these sites were to be selected, the City Council would likely have to implement condemnation proceedings.

CPO Council # 5 No formal action taken  
 CPO Council # 6 Voted 4 -0 that Kingsbury site not be considered; voted 4-0 to seriously consider the optional site 7 (a) and/or Site #2.

The construction of facilities related to the Northwest Sewer Master Plan is estimated to cost approximately \$29 million. This cost would include such major components as the treatment plant, sewer mains, pumping stations and Plant #2 improvements. The cost does not include additional flood mitigation measures that might be constructed at or near the proposed plant site. The improvements are designated as project S-324 in the approved Sewer Utility CIP.

Council Member Ferris Council Member Ferris explained that no individual had come forward as a willing seller for Site 2, 7, or 10. The City would have to go through the condemnation process and, if possible, the City tries to avoid this process.

Motion -- Ferris moved that Sites 2, 7, and 10 be removed from consideration and that discussion be limited to Sites 7A and 9.

Council Member Lambke Council Member Lambke said he has lived within one mile of Sewer Plant No. 1 for forty-five years and he does not consider himself an expert. However, the City has a very professional and competent staff, and has had the benefit of professional engineers and consultants. They have determined from the studies the following: Site Number 7 was rated third. Site Number 2 was rated first by the professional engineers and the Staff. The City needs about 40 acres for a plant and it seems that the City could buy 40 acres, rather than 140 acres, for less money than the 140 acres would cost. The added operating costs, per year, for site 7 is \$54,380 times 20 years, a number used to calculate expenses but would actually be more like 40 years. That added expense would be \$1,087,600 over a period of twenty years. The extra site costs for Site 7 is, apparently, going to be \$482,000. Those added together total an extra cost of \$1,569,600 for site 7A, plus the risks of a lift station failure.

They believe we should take the advice of the experts and build a plant in the most suitable location plus save a significant amount of money.

-- carried Motion carried 5 to 2. Rogers, Lambke - No.

Mayor Knight Mayor Knight read the following letter from the Mayor, City of Maize, into the Record:

Mayor and Council Members:

As opposed to taking the Council's time at the speakers podium this evening I as the Mayor of Maize would like to have the following statement read into the record concerning the location of the Northwest wastewater treatment facility for the City of Wichita.

It has come to my attention and the attention of the Maize Governing Body that a new site has emerged as a possible frontrunner as the location of choice for the facility by the Wichita City Council. The location as presented in the morning edition of *The Wichita Eagle* appears to be located at approximately 42nd and 127th

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Street West. This location is much closer to the City of Maize than previous sites. The new Maize High School is located at 45th Street North and 119th Street West.

By way of this letter, the Maize City Council would like to go on record as favoring the site originally recommended by Wichita's consulting engineer in the general area of 27th Street North and 135th Street West.

We appreciate the opportunity to present this position to the Wichita City Council and would respectfully ask that this letter become a part of your official record.

Sincerely, Karen Fitzmier, Mayor, City of Maize

Mayor Knight	Mayor Knight inquired whether anyone wished to be heard.
Jim Keenan	Jim Keenan spoke in favor of Site 9 as the most viable, given the information available.
Mary Kay Rapple	Mary Kay Rapple urged that the City look at problems from a worst case scenario and urged that Site 9 be selected.
Vaughn Sink	Vaughn Sink stated that he had previously lived north of what is now the 4-mile creek and the sight of dead fish caused him to change where he took his animals. This situation is identical to the 4-mile creek situation.
	A hardship is compounded for farmers who cannot pick up and move.
	A sewage plant in the Cowskin basin will cause the value of land, at least temporarily, to go down.
	Mr. Sink encouraged the selection of Site 9 which would least affect property values and quality of life.
Don Reusner	Don Reusner spoke regarding the presence of prescription drugs in the effluent and said the highest percentage of concentration shows up in the smallest streams. Site 9 is the only site that should be considered.
Amy Manning	Amy Manning urged any decision be put off until studies are complete.
Heather Blankinship	Heather Blankinship said Site 9 would require additional cost for a lift station. Site 7A would require more road improvements than Site 9. Economically, both sites are nearly the same.
Rick Glen	Rick Glen said the City of Wichita would be best served by selecting Site 9.
Rita Knobloch	Rita Knobloch stated that Site 9 was the most practical solution. Colwich does not want sewage in my back yard.
Karl Kraft	Karl Kraft said site 7A would adversely affect property values of the homes in the near vicinity. Mr. Kraft said the circles drawn around the sites were from the center of the property and should have been drawn from the edge of the site.
	There is no other land for sale around site 7A. The Cowskin is a poor receptor for effluent and has major erosion.
	Council Member Gale momentarily absent.
Debra Kraft	Debra Kraft said site 7A is 100 feet from their property line. Selection of Site A will destroy the natural wildlife. The area is also the natural habitat for the endangered spotted skunk.
	Ms. Kraft urged that site 7A not be selected.
RECESS	The City Council recessed at 7:20 p.m. and returned at 7:30 p.m.
Jim Kelley	Jim Kelley said sewage treatment does not affect drugs in the effluent.
	Mr. Kelly questioned why the City would pay owners of 7A 400 percent more than what the property is worth.
Cory Manning	Cory Manning said a plant should be built at the landfill.
Bobbi Richerson	Bobbi Richerson said a plant near site 9 would require sewage to be pumped the furthest and as growth continues to the west, it will continue to be pumped the furthest. There are more residents living near site 9. Site 9 is the least

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desirable of the sites and will cost everyone in Wichita more.

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Mike Richerson	Mike Richerson also spoke against site 9. Possible spills and leaks are of concern. Property values, higher costs, and lost opportunity costs will be a detriment.
Bill Good	Bill Good asked that all consideration be removed from any site that will drain into the Cowskin. Site 9 is the only logical site.
Doratheia Sloan	Doratheia Sloan stated that CPO District 6 voted unanimously to reject the Kingsbury site as not meeting the criteria for a sewer plant site. The Kingsbury site has a high water table, would have the cost of a pump station, contamination is a greater possibility, the sewage would have to travel further which would increase the possibility of an odor problem. Wildlife is also a concern along the Arkansas River. Site 9 should not be selected.
Eric Larson	Eric Larson said flooding is a problem on the Cowskin but will not be aggravated by effluent from a sewage plant. Medical waste is already in the effluent in the Cowskin.  The Kingsbury site would be the most expensive and the odor caused from the travel distance would be a problem.  The issue is one of planning and growth. The logical site is site 7A where the growth is.
Pat Sink	Pat Sink said the Cowskin basin is not the right place for a plant. Flooding is a big issue.
Jim Lindner	Jim Lindner said the northwest sewage problem should be put in the area causing the problem - not at Kingsbury (site 9).
Howard Buhrle	Howard Buhrle spoke regarding the pressure in the force main and said increased pressure caused by demand/growth could cause a break and cause the sewage to go into the storm sewer.
Mike Hill	Mike Hill stated that pump stations will be necessary at any site. There will be additional costs to purchase site 7A. The Cowskin is not a protected water way.  The only solution is to pump the sewage to Plant 2.
Don Schneider	Don Schneider said the City recently promised to develop the Kingsbury site as a park.  New development should be required to address sewage problems.  Council Member Ferris left the Bench.
Nile Dillmore	Nile Dillmore said Site 9 is the least desirable site and urged approval of Site 7A.
Nicki Soice	Nicki Soice stated that Kingsbury is the least favorable site and would require the most lifts. It has the most dense population and is the least able to provide a long-term solution.
Dwayne Shannon	Dwayne Shannon spoke against long-distance piping which would cause odor and recommended site 7A - not site 9.  Council Member Gale momentarily absent.
Dana Mourning	Dana Mourning said her home is within the vicinity of 7A site but it is not shown on the map. It appears the map is about two years old.  Ms. Morning spoke about concerns of pollution of groundwater, leakage, and effluent discharge. Ms. Mourning said there is little concern about contaminated drinking at Site 9 as Site 9 already has a groundwater treatment facility.
Bill Murray	Bill Murray said if Site 9 is used the water can be cleaned up. The dump has to be cleaned up.
Dennis Phelps	Dennis Phelps said the Kingsbury site is on top of the equus beds and is the wrong site.  There will be huge risk management costs which will have to be paid by the taxpayers of the City of Wichita.  The equus beds need to be protected with utmost fervor. Site 9 should be taken from consideration.

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Jeannie Buckner said water wells provide a direct flow to the aquifer. Site 9 is the only reasonable solution.

Robert Harrison that after the south sewage plant was sold to the City, thousands of pounds of raw sewage was dumped. What would happen if this were dumped into the Cowskin?

Liz Weyman the treatment needs to be done in the area where it is generated. Site 7A is the site of choice.

Janet Miller said it makes no sense to site the plant away from the problem, especially when growth will be continued. Kingsbury should not be selected.

Council Member Kamen left the Bench.

Sam Eberly did not state an opinion.

Kathy Dittmer urged approval of site 7A and said she could not support selection of the Kingsbury site.

Council Member Kamen present.

Alan Herman compared sites 7A and 9 and said logic should be used in selection.

Judy Park urged caution in selecting a site.

Council Member Ferris present.

Council Member Kamen momentarily absent.

Ron Jacobson said he had received his 1999 property tax and it had been devalued 33.7 percent from the previous year.

Of 60 homes in the Dell and Hidden Lakes additions which were close to or flooded, 26 had increased taxes, 28 had decreased taxes, and 6 had no change.

Any additional water/effluent would be wrong. Putting effluent into the Cowskin is not good economical sense.

Mr. Jacobson spoke in favor of Site 9, Kingsbury.

RECESS

The City Council recessed at 8:55 p.m. and reconvened at 9:00 p.m.

Council Member Rogers absent.

Council Member Rogers present.

Council Member Ferris said this really is not about cost. When the magnitude of the project, differential in costs, and contingencies in the project, this is not about cost. The decision needs to be made apart from the actual dollars.

This project is about planning. Wichita does not have a problem right now. For very few dollars, any of the small problems that Wichita has, in the City limits, can be solved.

To just wait is not about planning. Planning is looking to the future. That is what this project has been about from day one. This new plan is not about serving Wichita. It is about serving all of the unincorporated area where someone is going to sell land to someone else and then serving that area. This is happening every day. The great majority of the land that is being developed and creating the need is farmland that is being sold because someone is willing to pay more money than anyone ever believed that land would be worth or is worth, and somebody is willing to sell it.

If the Council honestly believed that nobody in west and northwest Wichita was ever going to sell property to developers and create the need for this plant, the City's solution would be very simple and for \$1 to \$2 million dollars, the problem could be solved for Wichita.

The City is planning and has studied this issue. There has been no new ground covered at this meeting. There are people, whether they live near site 9 or site 7A, who are going to be impacted.

Council Member Ferris said he never promised that this plant would be located one and one-half miles from residential subdivisions - that was the recommendation. A site could not be found, in any of the basins, that was one and one-half miles

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from any subdivisions.

There is a major subdivision near site 7A. There is a smaller subdivision that is with one and one-half miles. There are no subdivisions within one mile of site 7A.

Kingsbury has three major subdivisions within one and one-half miles, and one subdivision that is barely within one mile. So, basically, the two sites are fairly equal in that area.

Most of the people who spoke in opposition to a plant wanted the City to construct a pipeline. During the last flood, the City was pumping raw sewage, not out of any of the treatment plants because they were working fine, but out of the pipeline because it was overloaded with rainwater. A pipeline may have a greater potential of problems because almost any heavy rain impacts a pipeline.

The erosion of the Cowskin is about rain. If there is no rain there is little or no erosion. If it rains one-half inch, erosion begins. If it rains two inches there are major problems. If it rains four inches there are really big problems in the Cowskin basin - regardless of whether or not the City builds a sewer plant.

The Arkansas River is a much better receiving stream. This puts one point in favor of Kingsbury. The conclusion is that the Cowskin is an adequate receiving stream. There are no flooding potentials. There may be discharge problems that could be associated with the creek if discharge were made directly into the Creek. The recommendation is that discharge not be made directly into the Creek.

Site 7A is in the service area. Kingsbury is not likely to be served by a plant. The infrastructure is already in place to serve Kingsbury. All of the sites were in the study area. This gives site 7A a little bit of a nod.

The same arguments regarding property values can be made at both sites.

The Cowskin basin is the major service area; it is the major drainage area; it is the area in which the natural flow goes to, even though the City would pump. There is no question that no unbiased engineer, given the information on the two sites, would pick the Kingsbury site.

There is no reason that I could believe that Kingsbury is the best site for a sewer treatment plant.®

Council Member Ferris said he recommendation would be that the City Council select Site 7A. Power generation is important and the City Council should insist that it have two sources of power plus backup generation without even question. The plant needs to be protected against the 100 and the 500 flood and be engineered to those standards. There should be an outflow pond that should hold at least one to three days of effluent. It virtually ensures that there will never be discharge raw sewage directly into the Cowskin Creek. It also ensures that the water will have an opportunity to make its way to the Cowskin over a period of time, particularly if the wetlands are included, which should be investigated and be a part of this if it can work and makes sense, and there is an area in which it would be feasible and reasonable. Wetlands are a natural and purifying system.

The engineering firm that is studying flooding has been asked to consider whether or not there is potential to pick-up another 100 acres in this area to build some type of area in which, if there were a flood there would be someplace for it to go.

Council Member Cole

Council Member Cole said the flood issue is entirely separate from the sewer treatment plant. Room has been left for some flood mitigation. Site 9 offers nothing to mitigate.

Motion --

Ferris moved that the City Council select Site 7A as the site for the future sewer treatment plant; that negotiations be concluded for the purchase of that ground; the process of hiring a consultant engineer to design and construct a sewer treatment plant, and all the permitting issues that along with that be started; included in that design would be at least two forms of external power generation and an internal power generation system; the plant be built and developed to be protected against a 500 year flood; it would include outflow pond(s) in such a way that no sewer would be discharged directly a receiving stream and would be held for one to three days, whatever would be the reasonable amount; it would be investigated if wetlands were feasible that that might also be the result of the outflow pond going through a wetland before it reached the receiving stream; the Engineer currently evaluating the flooding situation in this basin be instructed to evaluate whether this site or an additional number of acres could be secured to have a reasonable flood protection against an average or, perhaps, a 100 year flood.



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Amendment -- Ferris, with consent of the second, amended the motion to add that staff evaluate what type of road construction needs to be included, and there are different levels, based upon consultation with the Council and community at the time.

-- carried Motion, as amended, carried 7 to 0.

ADJOURNMENT The City Council meeting adjourned at 9:30 p.m.

Pat Burnett  
City Clerk